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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,119	03/16/2004	James R. Heath	0175.0007	5277
37247	7590	04/21/2005		EXAMINER
DAVID J. OLDENKAMP, ESQ. SHAPIRO & DUPONT LLP 233 WILSHIRE BOULEVARD, SUITE 700 SANTA MONICA, CA 90401			LE, THAO P	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/803,119	HEATH ET AL.
	Examiner	Art Unit
	Thao P. Le	2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 1-12 and 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 3/16/04 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2 pages.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAIL ACTION**

1. This application is a Divisional of the application serial number 10/015063, filed on 12/11/2001, now Patent No. 6,756,296.
2. Claims 1-24 are pending in this application.

***Information Disclosure Statement***

3. This office acknowledges of the following item from the Applicant:  
Information Disclosure Statement (IDS) filed on **03/16/2004** and made of record.

The references cited on the PTOL 1449 form have been considered.

4. **This application is in condition for allowance except for the following formal matters:**

- i) The specification is objected to for the following reason:

In "Brief Description Of The Drawings", paragraphs 0033 and 0034, "Fig. 1" and "Fig. 2" should be changed to --- Figs. 1A-1D--- and --- Figs. 2A-2C--- as shown in drawings.

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

ii) Cancel non-elected claims (claims 13-23).

iii) Claim Objection:

Claim 1 should be amended as either:

a) in line 4 and line 11, "molecular layer" is amended as

--- molecular switching layer --- or

b) in line 5, "molecular switching layer" is amended as

--- molecular layer ----

***Reasons for Indication of Allowable Subject Matter***

5. **Claims 1-12 and 24 would be allowed.** The following is an examiner's statement of reason for allowance: None of the references of record teaches or suggests the claimed limitations having a method for making a molecular electronic device comprising the steps of forming an electrically conductive protective layer on the molecular switching layer, forming a second electrode on the protective layer wherein the second electrode pattern overlaps the first electrode pattern to form at least one electrode intersection, and removing the protective layer at locations which remain exposed after formation of the second electrode pattern to form at least one electrode intersection wherein the molecular switching layer and electrically conductive protective layer are sandwiched between the first and second electrodes, and among other limitations as cited in independent claim 1.

6. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao P. Le whose telephone number is 571-272-1785. The examiner can normally be reached on M-T (7-6).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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